

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE NATIONAL FOOTBALL LEAGUE  
PLAYERS' CONCUSSION INJURY  
LITIGATION

No: 2:12-md-02323-AB  
MDL No. 2323

Judge Anita B. Brody

THIS DOCUMENT RELATES TO:

*Earle Faison v. National Football League ,  
Inc., et al; Civil Action No. 2:12-cv-04575-  
AB*

**MOTION FOR SUBSTITUTION OF PLAINTIFF**

Plaintiff moves to substitute BARBARA FORBES, Successor Trustee of the EARLE FAISON LIVING TRUST, as proper party Plaintiff and states:

1. On June 13, 2016, EARLE FAISON passed away. (See ECF:6938- Suggestion of Death, Filed November 10, 2016).
2. On June 23, 2016, BARBARA FORBES was appointed as Successor Trustee of the EARLE FAISON LIVING TRUST. (See Exhibit "A").

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order, pursuant to Rule 25 of the Federal Rules of Civil Procedure, that BARBARA FORBES, Successor Trustee of the EARLE FAISON LIVING TRUST, deceased, is substituted as the proper party Plaintiff in this matter.

Dated: December 1, 2016

Respectfully Submitted:

/s/ Nicole F. DeVanon  
Girardi & Keese  
1126 Wilshire Blvd.  
Los Angeles, CA 90017

## **EXHIBIT A**

## ACCEPTANCE OF APPOINTMENT AS TRUSTEE OF THE EARLE FAISON LIVING TRUST

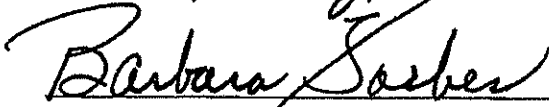
### I. BACKGROUND

1. On June 19, 2012, EARLE FAISON, acting as Settlor, established the EARLE FAISON LIVING TRUST, hereinafter referred to as the "Trust." See Exhibit "A."
2. On June 13, 2016, Earle Faison passed away. See Exhibit "B."
3. Pursuant to the Trust, Settlor EARLE FAISON was initial Trustee and upon the death of the Settlor, BARBARA FORBES will serve as the Successor Trustee. See Exhibit "C."

### II. ACCEPTANCE

I, **BARBARA FORBES**, hereby acknowledge that I am the Successor Trustee of the EARLE FAISON LIVING TRUST, dated June 19, 2012. By my signature below, I hereby **ACCEPT** appointment as the Successor Trustee of the EARLE FAISON LIVING TRUST, dated June 19, 2012, and agree to fulfill the fiduciary duties as established and directed therein.

Dated this 23 day of June, 2016.



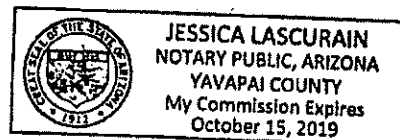
**BARBARA FORBES**

STATE OF ARIZONA       )  
                                      )  
County of Yavapai       )       SS.

On this 23 day of June, 2016, before me personally appeared **BARBARA FORBES**, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledged that she signed the above document.

  
Notary Public

10-15-2019



**CERTIFICATE OF SERVICE**

I hereby certify that I have, this day, electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all counsel of record on this 1<sup>st</sup> day of December 2016.

/s/ Nicole F. DeVanon  
Girardi & Keese

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**PROPOSED ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 201\_, upon consideration of the motion for Substitution of Plaintiff ONLY in this action, the Court being fully advised and for good cause shown:

1. Motion is granted;
2. BARBARA FORBES, Successor Trustee of the EARLE FAISON LIVING TRUST, deceased, is hereby substituted as proper party Plaintiff; and
3. Leave is hereby granted to change the caption of the case accordingly:

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA FORBES, Successor Trustee of the EARLE  
FAISON LIVING TRUST, deceased,

Plaintiff,  
v.

NATIONAL FOOTBALL LEAGUE; NFL PROPERTIES,  
LLC; RIDDELL, INC. d/b/a RIDDELL SPORTS GROUP,  
INC., ALL AMERICAN SPORTS CORPORATION, d/b/a  
RIDDELL/ALL AMERICAN; RIDDELL SPORTS  
GROUP, INC.; EASTON-BELL SPORTS, INC; EASTON-  
BELL SPORTS, LLC; EB SPORTS CORP; and RBG  
HOLDINGS CORP; and JOHN DOES 1 through 100,  
inclusive,

Defendants

MDL No. 2323  
Judge Anita B. Brody

2:12-cv-04575-AB

THIS DOCUMENT RELATES TO:

*In re: National Football League Players' Concussion Injury  
Litigation (MDL 2323), No. 12-md-2323*

Dated:

\_\_\_\_\_  
Honorable Anita Brody